

February 25, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

**MOTION TO SUPPORT AB 261 (MADDOX) -- ILLEGAL PHARMACEUTICAL SALES
(ITEM NO. 15-E, AGENDA OF FEBRUARY 25, 2003)**

Item No.15-E on the February 25, 2003 agenda is a motion by Supervisor Molina to support AB 261 (Maddox); request that the author list the County as a sponsor of the bill; and send a five-signature letter to Assemblymember Maddox, Assemblymember Mark Leno, Chair of the Assembly Public Safety Committee, and to all members of the Committee, the County's legislative delegation, and the Governor; expressing the Board's support for tough penalties for the sale and dispensation of illicit pharmaceuticals.

The motion further requests that Sheriff Lee Baca and District Attorney Steve Cooley review AB 261, consider taking support positions on the bill, and send their own communications to the Governor and members of the Legislature.

Under existing law, the sale of dangerous drugs without a license is punishable as a misdemeanor. AB 261, as introduced on February 4, 2003, would allow the District Attorney the option to charge illegal pharmaceutical dealers with either a misdemeanor or a felony.

The Sheriff's legislative staff indicates that they are reviewing AB 261 for a pending support position. The District Attorney's staff also reports that they are reviewing the measure.

The Department of Health Services (DHS) recommends that the County support AB 261 because the higher penalty is commensurate with the potential risk of death or injury caused by the use of these illegally dispensed dangerous drugs or devices, and we concur. Support for AB 261 is consistent with County support for the Health

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Authority Law Enforcement Task Force (HALT), which was established by the County to investigate and arrest unlicensed medical practitioners who prey on the poor and other vulnerable populations.

AB 261 is sponsored by the Santa Ana Police Department and supported by the Orange County District Attorney. There is no registered opposition. It is scheduled for a hearing on March 11, 2003 in the Assembly Public Safety Committee.

DEJ:GK
MAL:MS:ib

c: Executive Officer, Board of Supervisors
 County Counsel
 Department of Health Services
 District Attorney
 Sheriff